

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

5

DYLAN CORRAL,

Defendant.

CASE NO. 3:22-cr-00048-JCC-TLF

FINDINGS AND  
RECOMMENDATION WITH  
PROPOSED FINDINGS OF FACT  
PURSUANT TO FED. R. CRIM. P. 59  
AND 18 U.S.C. 18 U.S.C. §§ 4241,  
4247

NOTED FOR: June 23, 2023

The District Court has referred, under Fed. R. Crim. P. 59, the government's motion to determine defendant's mental competency pursuant to 18 U.S.C. §§ 4241, 4247. The motion has been fully briefed. Dkt. 33, 34, 38. The Honorable John C. Coughenour ordered a competency evaluation under 18 U.S.C. §§ 4241(b), 4247(b)–(c). Dkt. 17. The Court ordered a hearing, which was held on June 5, 2023 (after two hearings were scheduled in May, but required re-setting because of a scheduling conflict, and an illness). Dkt. 55, 56, 61, 65, 66. This Court finds that defendant is not mentally incompetent: the Court should find he is presently able to "consult with [their]

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counsel with a reasonable degree of rational understanding and a rational, as well as factual understanding of the proceedings." *Dusky v. United States*, 362 U.S. 402, 402 (1960). The District Court should not commit him to custody for a determination of restorability and proceedings pursuant to 18 U.S.C. § 4241.

## DISCUSSION

## A. Legal Standards

"At any time after the commencement of a prosecution for an offense and prior to the sentencing," a court may order a hearing to determine the mental competency of a defendant. 18 U.S.C. § 4241(a). Upon the parties' motion or *sua sponte* if there is reasonable cause to question the defendant's competency, the Court must hold such a hearing. 18 U.S.C. § 4241(a). Pursuant to Fed. R. Crim. P. 59, and United States District Court for the Eastern District of California Local Criminal Rule 430.1, this Court may, on referral from the District Court, conduct an evidentiary hearing in a felony case and provide a recommendation and include any proposed findings of fact. The District Court reviews the Magistrate Judge's Findings and Recommendation under a de novo standard of review. *United States v. Raddatz*, 447 U.S. 667, 682 (1980); *U.S. v. Rivera-Guerrero*, 377 F.3d 1064, 1071 (9th Cir. 2004).

The Court must determine "by a preponderance of the evidence" whether "the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(d).

1       If the Court finds the defendant is not competent, the Court must “commit the  
2 defendant to the custody of the Attorney General” for hospitalization and treatment to  
3 restore competency. 18 U.S.C. § 4241(d).

4       A defendant is considered competent if they have:

5       • a rational and factual understanding concerning the nature and object of the  
6       proceedings;

7       • the ability to consult with their lawyer; and

8       • the ability to assist in preparation of their defense.

9       *Drope v. Missouri*, 420 U.S. 162, 171 (1975). To make this determination, the Court  
10      considers the following factors, any one of which – standing alone – may in some  
11      circumstances be sufficient to prove incompetence to stand trial: evidence of the  
12      defendant’s irrational behavior; defendant’s demeanor in the courtroom; prior medical  
13      opinions concerning the defendant’s competence to stand trial. *Id.* at 180; *Miles v.*  
14      *Stainer*, 108 F.3d 1109, 1112 (9th Cir. 1997).

15       Even if a defendant has been diagnosed with a mental disease or disability that  
16      has severe symptoms, that does not necessarily lead to the conclusion that the  
17      defendant’s mental disease or disability has impacted their ability to consult with their  
18      attorney, assist in preparing a defense, or that it has impaired their ability to have a  
19      rational and factual understanding of the nature and object of the proceedings. *United*  
20      *States v. Telles*, 18 F.4th 290, 299-301 (9th Cir. 2021). When the defendant’s attorney  
21      is of the opinion that the defendant is competent to stand trial, this would not be legally  
22      determinative -- but “the defendant’s counsel is in the best position to evaluate a client’s

1 comprehension of the proceedings." *Hernandez v. Ylst*, 930 F.2d 714, 718 (9th Cir.  
2 1991).

3 **B. Proposed findings of fact**

4 Defendant Dylan Corral stands charged under 18 U.S.C. § 876(c) with mailing  
5 interstate threats. Dkt. 1. After the Court ordered a competency evaluation, Dr. Tiffany  
6 Smith, a forensic psychologist at the U.S. Bureau of Prisons' Metropolitan Detention  
7 Center in Los Angeles, reviewed Mr. Corral's records and considered other information  
8 such as phone calls that were being monitored by the Bureau of Prisons. Dkt. 33, Ext.  
9 A; Dkt. 27 (Report of Dr. Smith – admitted into evidence as Ex. B during the hearing).  
10 Although Mr. Corral initially agreed to psychological testing, he later decided not to  
11 participate in any interview or other testing by Dr. Smith. Dkt. 27 at 1,13.

12 Dr. Smith directly observed Mr. Corral in the special housing unit (SHU) of the  
13 U.S. Bureau of Prisons' Metropolitan Detention Center in Los Angeles while he was on  
14 special custody status. Dkt. 27 at 6. She listened to recordings of phone calls between  
15 Mr. Corral and family members that were being monitored by the Bureau of Prisons. *Id.*  
16 at 5-6. She also reviewed records ranging from mental health records of the California  
17 State prison system and of the U.S. Bureau of Prisons. *Id.* at 1-5, 8-9.

18 Dr. Smith found "there was not enough available evidence to support a diagnosis  
19 of a psychotic disorder." Dkt. 27 at 9. She made a provisional diagnosis of bipolar 1  
20 disorder. Dkt. 27 at 11. She also found that Mr. Corral had "Antisocial Personality  
21 Disorder" and moderate substance use disorder regarding amphetamine-type and  
22 opioid, in sustained remission, in a controlled environment ("By History"). Dkt. 27 at 9.

1 During the hearing, and in her report, Dr. Smith consistently opined that even  
2 though Mr. Corral provisionally was diagnosed with bipolar disorder, no objective  
3 evidence showed an impairment of his present ability to understand the proceedings, or  
4 his ability to assist in his defense, or in his ability to consult with counsel. Dkt. 27 at 14.  
5 Dr. Smith stated in her report, and during the hearing, that Mr. Corral was able to  
6 communicate in a linear and coherent manner, and did not show signs or symptoms of  
7 any delusions that would affect his present ability to understand the proceedings, or his  
8 ability to assist in his defense, or in his ability to consult with counsel. Dkt 27 at 9. He  
9 engaged in discussions with Dr. Smith, and expressed his ideas about legal  
10 proceedings to family members he talked with on the phone; his statements about legal  
11 strategies and the roles of the attorneys, judge, and jury, as well as his role as the  
12 defendant are evidence that he understood the nature of the proceedings and has the  
13 ability to assist with the defense. Dkt. 27 at 13. During the hearing, Dr. Smith reviewed  
14 the additional information regarding communications of Mr. Corral that occurred after  
15 the date of Dr. Smith's report; she stated these new communications did not change her  
16 analysis or opinion.

17 During the hearing, the defendant did not act or speak in a manner that  
18 suggested he was in mental distress, delusional, or unable to communicate effectively.  
19 Defendant decided not to testify at the competency hearing. At the close of the hearing,  
20 both the prosecution and the defense argued that the defendant is presently competent  
21 to stand trial.

1      **C. Proposed determination of competency**

2      The Court should find:

3      Defendant presently has: a rational and factual understanding concerning the nature  
4      and object of the proceedings; the ability to consult with their lawyer; and the ability to  
5      assist in preparation of their defense. *Drope v. Missouri*, 420 U.S. 162, 171 (1975). By a  
6      preponderance of the evidence, Mr. Corral is not presently suffering from a mental  
7      disease or defect that would render him mentally incompetent to the extent that he is  
8      unable to understand the nature and consequences of the proceedings against him or  
9      to assist properly in his defense. 18 U.S.C. §§ 4241.

10      **CONCLUSION**

11      The Court should determine the government has met its burden by a  
12      preponderance of the evidence to show the defendant is presently competent to stand  
13      trial. Pursuant to 28 U.S.C. § 636(b)(1), (b)(3) and Fed. R. Crim. P. 59, the parties shall  
14      have fourteen (14) days from service of this Report to file written objections. See also  
15      United States District Court for the Eastern District of California Local Rule of Criminal  
16      Procedure 430.1(j).

1 The Magistrate Judge's Findings and Recommendation will be reviewed *de novo*.  
2 *U.S. v. Rivera-Guerrero*, 377 F.3d 1064 (9<sup>th</sup> Cir. 2004). Failure to file objections will  
3 result in a waiver of those objections for purposes of *de novo* review by the district  
4 judge, see 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of those objections for  
5 purposes of appeal. See *Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda v.*  
6 *Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). The Clerk is directed to  
7 set the matter for consideration on **June 23, 2023**, as noted in the caption.

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9 Dated this 6th day of June, 2023.

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12 Theresa L. Fricke  
13 United States Magistrate Judge  
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